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DATE FILED: 9/26/07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW YORK STATE DEPARTMENT OF
ECONOMIC DEVELOPMENT f/k/a THE
NEW YORK STATE DEPARTMENT OF
COMMERCE ECONOMIC
DEVELOPMENT,
an official agency within the administrative
offices of the State of New York,

Plaintiff,

v.

MICHAEL NNAMDI STEWART, an
individual and MOSAYK, INC., a North
Carolina corporation

Defendants.

CIV. ACTION NO.:

07 CV 3786 (RMB)

NOTICE OF DISMISSAL OF
DEFENDANT MOSAYK, INC.

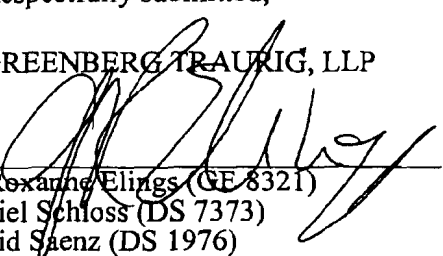
PLEASE TAKE NOTICE that pursuant to Rule 41(a)(1) of the Federal Rules of Civil

Procedure, Plaintiff New York State Department of Economic Development hereby dismisses its
Complaint with prejudice with respect to Defendant Mosayk, Inc.

Dated: New York, NY
August 21, 2007

Respectfully submitted,

GREENBERG TRAURIG, LLP

By: 
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Daniel Schloss (DS 7373)
David Saenz (DS 1976)
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New York, New York 10166
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Attorneys for Plaintiff New York State
Department of Economic Development

SO ORDERED

Dated:

RMB 9/25/07

By:

RMB

Honorable Richard M. Berman
UNITED STATES DISTRICT JUDGE

Any outstanding motions
dismissed as
MOT.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NEW YORK STATE DEPARTMENT OF	:	CIV. ACTION NO.:
ECONOMIC DEVELOPMENT f/k/a THE	:	
NEW YORK STATE DEPARTMENT OF	:	07 CV 3786 (RMB)
COMMERCE ECONOMIC	:	
DEVELOPMENT,	:	STIPULATED PERMANENT
an official agency within the administrative	:	INJUNCTION AND FINAL
offices of the State of New York,	:	JUDGMENT ON CONSENT AND
	:	(PROPOSED) ORDER AS TO
Plaintiff,	:	MICHAEL NNAMDI STEWART
	:	
v.	:	
	:	
MICHAEL NNAMDI STEWART, an	:	
individual and MOSAYK, INC., a North	:	
Carolina corporation	:	
	:	
Defendants.	:	

RMB

Plaintiff New York State Department of Economic Development ("NYSDDED"), having commenced this action for an injunction and other relief, against Defendant Michael Nnamdi Stewart ("Stewart") pursuant to the Lanham Act and under the laws of the State of New York, for, among others, the reasons that (1) NYSDDED seeks an Order of the Court dismissing Stewart's U.S. Trademark Application Serial No. 78243227; and (2) Defendants are alleged to be manufacturing, importing, exporting, distributing, marketing, advertising, offering for sale and/or selling goods bearing marks that infringe NYSDDED's federally registered and common law trademarks as described and defined in the Complaint (the "NYSDDED Marks"); and

NYSDDED and Stewart (collectively the "Parties") having entered into a Settlement Agreement and having stipulated to entry of a Permanent Injunction and Final Judgment; and

The Parties having indicated below their consent to the form and entry of this Permanent Injunction and Final Judgment on Consent

IT IS HEREBY ORDERED that Stewart shall permanently abandon United States Trademark Application Serial No. 7824322; and

IT IS FURTHER ORDERED that Stewart and any of his agents, employees, representatives, successors, assignees, wholly or partially owned companies and subsidiaries, including past, current or future companies, or affiliates are permanently enjoined from:

- a) using in any manner the Infringing Mark that is the basis of this action and identified in NYSDDED's complaint, or any portion thereof (the "Infringing Mark"), or any other trademark that, alone or in combination with any word or words, is likely to cause confusion, deception, or mistake in connection with the NYSDDED Marks, or the advertising, offering for sale, or sale of any product not NYSDDED's, or not authorized by NYSDDED to be sold in connection with each of the NYSDDED Marks;
- b) applying to register the Infringing Mark, or any portion thereof, or any other trademark that, alone or in combination with any word or words, is likely to cause confusion, deception, or mistake in connection with the NYSDDED Marks; and
- c) passing off, inducing, or enabling others to sell or pass off any product as and for products produced by NYSDDED, not NYSDDED's, or not produced under the control and supervision of NYSDDED and approved by NYSDDED for sale under the NYSDDED Marks, including but not limited to offering for sale or selling products under the Infringing Mark;
- d) committing any acts that cause purchasers to believe that products bearing the Infringing Mark are those sold under the control and supervision of NYSDDED, or sponsored or approved by, or connected with, or guaranteed by, or produced under the control and supervision of NYSDDED, including but not limited to offering for sale or selling products under the Infringing Mark;
- e) diluting and infringing any and all of the NYSDDED Marks and damaging NYSDDED's goodwill, including but not limited to offering for sale or selling products under the Infringing Mark;

- f) manufacturing, importing, advertising, shipping, delivering, distributing, returning or otherwise disposing of, in any manner, products or inventory not manufactured by or for NYSDDED, nor authorized by NYSDDED to be sold or offered for sale, and which bear any of the Infringing Mark, or any other marks likely to cause confusion with the NYSDDED Marks;
- g) otherwise competing unfairly with NYSDDED or any of its authorized licensees in any manner; and
- h) from assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subparagraphs (a) through (g); and

IT IS FURTHER ORDERED that counsel for NYSDDED may indicate NYSDDED's consent to the terms of this Permanent Injunction and Final Judgment by signing multiple counterparts, and that a faxed signature shall be deemed an original signature; and

IT IS FINALLY ORDERED that this Court has jurisdiction over the parties, and the subject matter of the action. This Court shall retain jurisdiction to the extent necessary to enforce this Permanent Injunction and Final Judgment and the Settlement Agreement between NYSDDED and Stewart, which is hereby made a part hereof and incorporated by reference, and to determine any issues that may arise under either.

CONSENTED TO BY NEW YORK
DEPARTMENT OF ECONOMIC
DEVELOPMENT

Dated: 8/22/2007

By: [Signature]

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CONSENTED TO BY MICHAEL
NNAMDI STEWART

Dated: 8/21/07

By: Michael Nnamdi Stewart

Michael Nnamdi Stewart
4649 Vendue Range Drive
Raleigh, NC 27604
Tel: (919) 855-8340

SO ORDERED

Dated: 9/25/07

By: RMB

Honorable Richard M. Berman
UNITED STATES DISTRICT JUDGE

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